

PERRIS DAM EMERGENCY RELEASE FACILITY

Statement of Overriding Considerations

Section 15093 of the CEQA Guidelines establishes the following requirements for a Statement of Overriding Considerations:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable".
- (b) Where the decision of the public agency allows the occurrence of significant effects, which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if the agency also makes a finding under Section 15091(a)(2) or (a)(3).
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination.

Essentially, when called on to approve a project that would have one or more significant effects that cannot be avoided or substantially lessened, a public agency must explain how it views the balance of the economic, legal, social, technological, or other benefits of the project against the unavoidable adverse environmental effects before approving the project.

DWR adopts this Statement of Overriding Considerations and finds that, as part of the approval process, (a) the proposed project has been modified to eliminate or substantially lessen all significant effects on the environment where feasible, and (b) the remaining unavoidable impacts of the proposed project are an acceptable environmental cost in light of the environmental, economic, legal, social, technological, and other considerations set forth herein.

The findings above show that the following categories of environmental effects will remain significant even after the imposition of mitigation and the examination of alternatives:

- Aesthetics
- Noise
- Transportation and Traffic

DWR concluded that there are no feasible alternatives that can reduce any potentially significant and unavoidable impacts to a less than significant level and that all feasible alternatives have some significant and unavoidable impacts (see Exhibit B).

DWR determines that the Perris Dam Emergency Release Facility (proposed project) cannot be implemented in a way that would meet the need of the project without resulting in the significant and unavoidable impacts described in the Final EIR and summarized above, primarily because the project cannot be implemented in a way that accomplishes the basic project objectives without resulting in direct construction impacts. As discussed in the Exhibit B Findings, some of the potentially significant impacts have mitigation measures associated with them, but the mitigation measures would not avoid the significant effect. DWR has balanced the economic, legal, social, technological, and other benefits of the project and has determined that the benefits of the project outweigh its unavoidable adverse environmental impacts.

DWR determines that the Perris Dam Emergency Release Facility is primarily a public safety project that provides the following public benefits as described in detail in the Final EIR that justify proceeding with the project despite the environmental cost of the temporary significant effects:

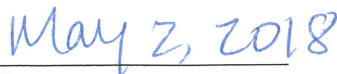
1. The Perris Dam Emergency Release Facility protects public safety by substantially reducing risks of flooding that could result during an emergency drawdown to residential and commercial land uses and public infrastructure below the dam including within the City of Perris;
2. The Perris Dam Emergency Release Facility meets the objective of reducing safety risks to DWR staff and the public associated with the execution of an emergency operation to drawdown Lake Perris; and
3. The Perris Dam Emergency Release Facility improves the emergency release structure to reliably comply with Division of Safety of Dams (DSOD) emergency drawdown requirements in a manner that maximizes protection of public safety.

STATEMENT OF OVERRIDING CONSIDERATIONS DETERMINATION

I adopt the Statement of Overriding Considerations set forth in this Exhibit C, which meets the requirements of CEQA Guidelines Section 15093.



Karla Nemeth, Director
Department of Water Resources



Date